

PERFORMANCE AGREEMENT

THIS AGREEMENT, made and entered into this 19th day of September, A.D. 2000, between HOPKINS CROSSING LTD., A Florida Limited Partnership, and LOWE'S HOME CENTERS, INC., a North Carolina Corporation, hereinafter together called the "Developer", and LEON COUNTY, a political subdivision of the State of Florida, hereinafter called "the County".

WHEREAS, HOPKINS CROSSING LTD., has presented to the Board of County Commissioners of Leon County, Florida, a certain map or plat of a subdivision named and designated Hopkins Crossing which map or plat is hereby referred to and made a part hereof by reference; and,

WHEREAS, LOWE'S HOME CENTERS, INC., seeks to acquire Phase I of said subdivision following said map or plat recordation; and,

WHEREAS, as a condition to the acceptances and recording of said map or plat, the County has required that the Developer enter into an agreement to construct and pave the roads and streets and to install all drainage and water and sewer facilities for Phase I of said subdivision in accordance with plans and specifications prepared by Moore Bass Consulting (Project No. 99-052), and Creech Engineers (Project No. 99-068) approved by the County within a period of one (1) year from date hereof, and to further agree to maintain said roads and streets constructed and paved and said drainage facilities installed aforesaid for a period of two (2) years after completion of such construction and paving, or to reimburse the County for all expenses incurred in repair of defects in materials and/or workmanship that become apparent within two (2) years from completion of construction, paving, installation and acceptance and to post bond in the amount of \$3,452,232.00, conditioned for the faithful performance of said agreement,

said bond to have as surety thereon some surety company authorized to do business under the law of the State of Florida.

NOW THEREFORE, THIS INDENTURE WITNESSETH: That the Developer hereby agrees to construct and pave the roads and streets and install all drainage facilities in accordance with plans and specifications approved by the County, within a period of one (1) year from date hereof, and upon completion of such construction and paving, and installation and acceptance thereof by the County to maintain said roads and streets and all drainage facilities for a period of two (2) years, or to reimburse the County for all expenses incurred in repair of any defects in materials and/or workmanship that become apparent within two (2) years, after completion of construction and paving of said roads and street and installation of all drainage facilities and acceptance thereof by the County.

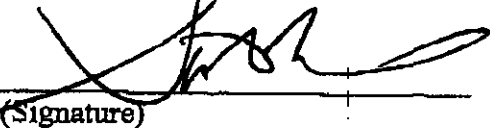
PERFORMANCE OF THIS AGREEMENT by the Developer shall be secured by surety bond in the amount of \$3,452,232.00, with surety thereon approved by the County.

IN WITNESS WHEREOF, each of Lowe's and Developer have hereunto caused their names to be signed and their corporate seal affixed by its appropriate officers [in counterpart form] and Leon County Commissioners and its seal affixed by the Clerk of said Board, the day and year first above written.

WITNESSES:

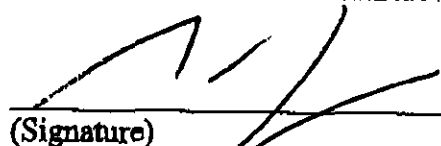

(Signature)

William G. Brown, Jr.
(Printed Name)


(Signature)

Scott M. Bigger
(Printed Name)

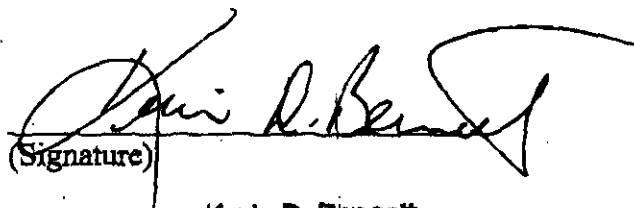
HOPKINS CROSSING LTD.,
A FLORIDA LIMITED PARTNERSHIP


(Signature)

By Hopkins Crossing, Inc., a Florida
Corporation, Its General Partner, By
Gregory A. Greenfield, Its President

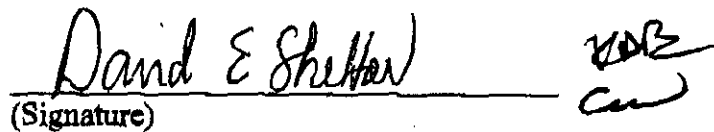
[Signatures follows]

WITNESSES:

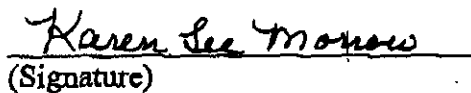

(Signature)

Kevin D. Bennett
Assistant Secretary
(Printed Name)

LOWE'S HOME CENTERS, INC.
A NORTH CAROLINA CORPORATION


(Signature)

David E. Shelton
Senior Vice President
By


(Signature)

Karen Lee Morrow
(Printed Name)

[Signature follows]

ATTEST:
Dave Lang, Clerk
Circuit Court, Leon County, Florida

By: Dave Lang
Deputy Clerk



LEON COUNTY BOARD OF
COUNTY COMMISSIONERS

Jane D. Sauls
(Signature)
JANE SAULS, Chair

MW1URBA139117.2

APPROVED AS TO FORM
LEON COUNTY ATTORNEY'S OFFICE
Leon County, Florida
By: Julie E. H.

PERFORMANCE AND PAYMENT BOND

ATTACHMENT # 1
PAGE 6 OF 8

BY THIS BOND, We, **LOWE'S HOME CENTERS, INC.**, a North Carolina Corporation, as Principal and **Travelers Casualty and Surety Company of America**, a corporation, as Surety, are bound to Leon County, a political subdivision of the State of Florida, herein called Obligee, in the sum of **\$3,452,232.00**-----, for payment of which we bind ourselves, our heirs, personal representatives, successors, and assigns jointly and severally.

THE CONDITION OF THIS BOND is that if Principal:

1. Performs under that Performance Agreement dated September 11, 2000, for construction of improvements in the Hopkins Crossing Subdivision, the Performance Agreement and all supporting documentation associated therewith being made a part of this bond by reference, at the times, under the conditions, and in the manner prescribed in such Performance Agreement; and
2. Promptly makes payments to all persons or entities supplying Principal with labor, materials, or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the Performance Agreement; and
3. Pays Obligee all losses, damages, expenses, costs, and attorney's fees, including appellate proceedings, that Obligee sustains because of a default by Principal under the Performance Agreement, then this bond is void; otherwise it remains in full force.

Any changes in or under the permit and associated documents and compliance or noncompliance with any formalities connected with the permit or the changes does not affect Surety's obligation under this bond.

DATE ON September 11,
2000.

LOWE'S HOME CENTERS, INC. (SEAL)
(Print Name of Principal)

By: David E. Shelton
(Signature)

David E. Shelton
(Print Name of Signatory)

Title: Sr. Vice President

Attest: Kevin D. Bennett
(Secretary or Notary)
Kevin D. Bennett
Assistant Secretary

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA (SEAL)
(Print Name of Surety)

Ramona Mowrey
(Signature)

Ramona Mowrey
(Print Name of Signatory)
As Attorney-in-Fact under
Power of Attorney dated: 9/11/00
Facsimile Number of Attorney-in-Fact
704-343-4704

Countersigned By:

Julie A. Russell
Florida Resident Agent

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, a corporation duly organized under the laws of the State of Illinois, and having its principal office in the City of Naperville, County of DuPage, State of Illinois, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: H. Wayne Gibson, Maryann Isenberg, Vickie L. Petrea, Martin Pallazza, Gary A. Vall, Judic Chisolm or Ramona Mowrey * *

of Charlotte, NC, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, or, if the following line be filled in, within the area there designated the following instrument(s):

by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto

and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY, FARMINGTON CASUALTY COMPANY and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY, FARMINGTON CASUALTY COMPANY and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS have caused this instrument to be signed by their Senior Vice President, and their corporate seals to be hereto affixed this 12th day of January, 2000.

STATE OF CONNECTICUT

SS. Hartford

COUNTY OF HARTFORD

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS



By *George W. Thompson*
George W. Thompson
Senior Vice President

On this 12th day of January, 2000 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY, FARMINGTON CASUALTY COMPANY and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.



Marie C Tetreault
My commission expires June 30, 2001 Notary Public
Marie C. Tetreault

CERTIFICATE

I, the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the State of Connecticut, and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, stock corporation of the State of Illinois, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 11th day of September, 2000.



By *Kori M. Johanson*
Kori M. Johanson
Assistant Secretary, Bond